

Set 2/27/02  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Gambino et al.

Serial No.: 09/756,177

Filed: January 9, 2001

Group Art Unit: 2811

Examiner: Vu, Hung K.

For: FLASH MEMORY STRUCTURE USING SIDEWALL FLOATING GATE AND  
METHOD FOR FORMING THE SAMEHonorable Assistant Commissioner of Patents  
Washington, D.C. 20231

FAX RECEIVED

FEB 21 2003

TECHNOLOGY CENTER 2800  
**RESPONSE TO FIRST OFFICE ACTION AND RESTRICTION**  
**REQUIREMENT**

Sir:

In response to the Office Action dated January 28, 2002, please consider the following:

**REMARKS**

In response to the Examiner's restriction requirement, Applicant hereby elects the invention of Group I (e.g., drawn to a semiconductor device as defined by claims 5-11), without traverse. Applicant reserves the opportunity to file a Divisional Application for the non-elected invention later.

Early, favorable prosecution on the merits is respectfully requested.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

#2  
election  
J. M. Mullen  
4/22/03

09/756,177  
FI9-98-027DIV

2

A conditional petition is made for any extension of time which may become necessary.  
The Commissioner is authorized to charge any fees for such extension and to credit any  
overpayment in fees to Assignee's Deposit Account No. 09-0458.

Respectfully Submitted,



Sean M. McGinn  
Reg. No. 34,386

Date: February 27, 2002  
McGinn & Gibb, PLLC  
8321 Old Courthouse Road, Suite 200  
Vienna, Virginia 22182-3817  
(703) 761-4100  
Customer No. 21254

FAX RECEIVED

FEB 21 2003

TECHNOLOGY CENTER 2800

## LAW OFFICES OF

**McGINN & GIBB, PLLC**

A PROFESSIONAL LIMITED LIABILITY COMPANY  
PATENTS, TRADEMARKS, COPYRIGHTS, AND INTELLECTUAL PROPERTY LAW  
8321 OLD COURTHOUSE ROAD, SUITE 200  
VIENNA, VIRGINIA 22182-3817  
TELEPHONE: (703) 761-4100  
FACSIMILE/DATA: (703) 761-2375; 761-2376  
E-MAIL: MCGINNGIBB@AOL.COM

SEAN M. MCGINN  
PHILLIP E. MILLERT  
FREDERICK E. COOPERRIDER†  
PETER A. BALNAVE, Ph.D.  
FREDRIC J. ZIMMERMANN  
JAMES E. HOWARD†  
KENDAL M. SHEETS  
CHRISTOPHER M. MCGINN\*

†MEMBER OF BAR OTHER THAN VA  
\*PATENT ENGINEER (NON-ATTORNEY)

ANNAPOLIS, MD OFFICE  
FREDERICK W. GIBB, III  
MOHAMMAD S. RAHMANT  
LAWRENCE A. SCOTT†

09/756,177

2811

February 21, 2003

## VIA FACSIMILE

To: Examiner Hung K. Vu  
U.S.P.T.O

Facsimile No.: (703) 308-7722 or 24

From: Annette Brown Skaltsounis  
Assistant to Sean M. McGinn

Facsimile No.: (703) 761-2375 or 6

Re: Enclosed Response to First Office Action and Restriction Requirement  
U.S. Patent Application Serial No. 09/756,177  
Our Reference: FIS.003DIV

FAX RECEIVED

FEB 21 2003

TECHNOLOGY CENTER 2800

Dear Examiner Vu:

Pursuant to our telephone conversation of this date, attached is a copy of the Response to First Office Action and Restriction Requirement filed on January 27, 2003, along with the dated-stamped post card receipt in the above-referenced case.

Thank you for your courtesy and cooperation in this matter. Please do not hesitate to call if I can be of further assistance.

Very truly yours,

Annette

Annette Brown Skaltsounis

abs

Enclosure

Smm1jc  
 FIS.003 DIV  
 Attorney's Post Card Filing Receipt  
 Serial Number: 091 756,177  
 Papers Filed On:

Attorney's Docket Number: E19-98-02701 Patent

Applicant's Name: Pembina et al. Application Filing  
 Papers Filed Here (with):

<input type="checkbox"/> Amendment	<input type="checkbox"/> Request for Extension of Time
<input type="checkbox"/> Notice of Appeal	<input type="checkbox"/> Appeal Brief (in triplicate)
<input type="checkbox"/> IDS	<input type="checkbox"/> 1449 Form w/ Documents
<input type="checkbox"/> Assignment	<input type="checkbox"/> Recordation Cover Sheet
<input type="checkbox"/> Drawing Corrections	<input type="checkbox"/> Issue Fee Transmittal
<input checked="" type="checkbox"/> Other	<input type="checkbox"/> Missing

Fees Filed Herewith: \$ Resp to First O.A. & R.R.

☐ Check ☐ Charge Deposit Account  
Hand Delivered

FAX RECEIVED  
 FEB 21 2003  
 TECHNOLOGY CENTER 2800

Smm1jc  
 FIS.003 DIV  
 Attorney's Post Card Filing Receipt  
 Serial Number: 091 756,177  
 Papers Filed On: 2/27/02

Attorney's Docket Number: E19-98-02701 Patent

Applicant's Name: Pembina et al. Application Filing Date: 1/9/01  
 Papers Filed Here (with):

<input type="checkbox"/> Amendment	<input type="checkbox"/> Request for Extension of Time	<input type="checkbox"/> CPA Request
<input type="checkbox"/> Notice of Appeal	<input type="checkbox"/> Appeal Brief (in triplicate)	<input type="checkbox"/> Reply Brief
<input type="checkbox"/> IDS	<input type="checkbox"/> 1449 Form w/ Documents	<input type="checkbox"/> Priority Document(s)
<input type="checkbox"/> Assignment	<input type="checkbox"/> Recordation Cover Sheet	<input type="checkbox"/> Formal Drawings
<input type="checkbox"/> Drawing Corrections	<input type="checkbox"/> Issue Fee Transmittal	<input type="checkbox"/> Missing Parts
<input checked="" type="checkbox"/> Other	<u>Resp to First O.A. &amp; R.R.</u>	

Fees Filed Herewith: \$ Resp to First O.A. & R.R.

☐ Check ☐ Charge Deposit Account  
Hand Delivered

FEB 27 2002  
 OIPE JC185  
 PATENT & TRADEMARK OFFICE